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| APPLICATION NO.                        | FILING DATE | FIRST NAMED INVENTOR  | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|-----------------------|---------------------|------------------|
| 10/561,012                             | 12/11/2006  | Jorge Abellan Sevilla | 526801-57PUS        | 6077             |
| 27799                                  | 7590        | 08/14/2009            | EXAMINER            |                  |
| COHEN, PONTANI, LIEBERMAN & PAVANE LLP |             |                       | MAHMOOD, REZWANUL   |                  |
| 551 FIFTH AVENUE                       |             |                       | ART UNIT            | PAPER NUMBER     |
| SUITE 1210                             |             |                       | 2164                |                  |
| NEW YORK, NY 10176                     |             |                       |                     |                  |
|  |             |                       | MAIL DATE           | DELIVERY MODE    |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

|                              |                        |                        |
|------------------------------|------------------------|------------------------|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b>    |
|                              | 10/561,012             | ABELLAN SEVILLA ET AL. |
|                              | <b>Examiner</b>        | <b>Art Unit</b>        |
|                              | REZWANUL MAHMOOD       | 2164                   |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 26 May 2009.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 2-4,6-8 and 10-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 2-4,6-8 and 10-12 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____.   | 6) <input type="checkbox"/> Other: _____ .                        |

## **DETAILED ACTION**

This action is in response to the communication filed on May 26, 2009. Claims 2-4, 6-8, and 10-12 are pending in this office action.

### ***Response to Arguments***

Applicant's arguments filed on September 21, 2006 have been fully considered but they are not persuasive for the following reasons:

Applicant argues that Kruglikov, Guthery, and Mwaura do not teach or even suggest the features "loading an application into a security token coupled to the mobile first data processing system, the application being operable to request that the mobile first data processing system start a synchronization process of the first database with the second database according to a synchronization policy", "receiving, by the application, messages or events that occur in the mobile first data processing system or in the network", and "in response to the messages or event received and in accordance with the synchronization policy, concluding by the application, whether a synchronization of the first and the second databases is needed, and if a synchronization is needed, transmitting, by the application, a command to the mobile first data processing system that informs the mobile first data processing system that a new synchronization is requested, said command providing the mobile first data processing system with information about synchronization parameters for use in synchronizing content of the first and second databases". Applicant also argues that "there is in fact no motivation, absent Applicant's own teachings, to combine these

references in the manner suggested by the Examiner”

Examiner respectfully disagrees all of the allegations as argued. Examiner, in his previous office action, gave detail explanation of claimed limitation and pointed out exact locations in the cited prior art.

Examiner is entitled to give claim limitations their broadest reasonable interpretation in light of the specification. See MPEP 2111 [R-1]

#### Interpretation of Claims-Broadest Reasonable Interpretation

During patent examination, the pending claims must be ‘given the broadest reasonable interpretation consistent with the specification.’ Applicant always has the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. *In re Prater*, 162 USPQ 541,550-51 (CCPA 1969).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ

871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Kruglikov teaches in Abstract lines 1-15, Column 2 lines 22-43, Column 4 lines 14-24, Column 5 lines 2-13 and in Figure 1 a computer-implemented method for synchronizing, through a network, a first database that is stored in a mobile first data processing system or in a security token coupled for communication with the mobile first data processing system, and a second database stored in a second data processing system by an application in the mobile first data processing system, the application being operable to request that the mobile first data processing system start a synchronization process of the first database with the second database according to a synchronization policy, executing the application, and initiating, by the mobile first data processing system, the synchronization process of the first and second databases in response to receiving the command.

However, Kruglikov does not explicitly disclose:

a security token coupled to the mobile first data processing device, loading the application in the security token;

The Guthery reference teaches in Abstract lines 1-7, Column 2 lines 1-14 and 51-57, Column 4 lines 25-29, Column 7 lines 33-35 a security token coupled for communication with the mobile first data processing system and an application being loaded into the security token.

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to modify the teachings of Kruglikov with the teachings of Guthery to have a data processing system include a security token controlled by an

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operator and load an application into the security token to move the administration of simultaneous communication with multiple applications on a smart card onto the smart card itself (Guthery: Column 3, lines 19-22).

Kruglikov and Guthery do not explicitly disclose:

receiving, by the application, messages or events that occur in the mobile first data processing system or in the network;

in response to the messages or events received and in accordance with the synchronization policy, concluding by the application, whether a synchronization of the first and second databases is needed, and

if a synchronization is needed, transmitting, by the application, a command to the mobile first data processing system that informs the mobile first data processing system that a new synchronization is requested, said command providing the mobile first data processing system with information about synchronization parameters for use in synchronizing content of the first and second databases;

The Mwaura reference teaches in Abstract lines 1-29, and Column 6 lines 20-38 receiving a message by an application and concluding if synchronization is needed by checking if the message is relevant, if it is relevant then taking a synchronization action.

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to modify the teachings of Kruglikov and Guthery with the teachings of Mwaura to conclude if synchronization is needed, transmitting a command to take the designated synchronization action upon the message for synchronizing content of the first and second databases for providing a means to

synchronize data between different databases (Mwaura: Column 1, lines 7-9).

For the above reasons, Examiner believed that rejection of the last Office action was proper.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 2-4, 6-9 and 10-12 rejected under 35 U.S.C. 103(a) as being unpatentable over Kruglikov (US Patent 6,505,215) in view of Guthery (US Patent 6,824,064) and in further view of Mwaura (US Patent 6,779,002).

With respect to claim 10, Kruglikov discloses a computer-implemented method for synchronizing, through a network, a first database that is stored in a mobile first data processing system or in a security token coupled for communication with the mobile first data processing system, and a second database stored in a second data processing system (Kruglikov: Abstract, lines 1-15; Column 2, lines 22-43; Figure 1), the method comprising:

an application in the mobile first data processing system, the application being operable to request that the mobile first data processing system start a synchronization process of the first database with the second database according to a synchronization

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policy (Kruglikov: Abstract, lines 1-15; Column 2, lines 22-43; Column 4, lines 14-24; Column 5, lines 2-13; Figure 1);

executing the application (Kruglikov: Abstract, lines 1-15; Column 2, lines 22-43; Column 5, lines 2-13; Figure 1);

initiating, by the mobile first data processing system, the synchronization process of the first and second databases in response to receiving the command (Kruglikov: Abstract, lines 1-15; Column 2, lines 22-43; Column 5, lines 2-13; Figure 1).

However, Kruglikov does not explicitly disclose:

a security token coupled to the mobile first data processing device, loading the application in the security token;

The Guthery reference, however, discloses claimed a security token is coupled for communication with the mobile first data processing system and an application is loaded into the security token (Guthery: Abstract, lines 1-7; Column 2, lines 1-14 and 51-57; Column 4, lines 25-29; Column 7, lines 33-35).

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to modify the teachings of Kruglikov with the teachings of Guthery to have a data processing system include a security token controlled by an operator and load an application into the security token to move the administration of simultaneous communication with multiple applications on a smart card onto the smart card itself (Guthery: Column 3, lines 19-22).

Kruglikov and Guthery do not explicitly disclose:

receiving, by the application, messages or events that occur in the mobile first

data processing system or in the network;

in response to the messages or events received and in accordance with the synchronization policy, concluding by the application, whether a synchronization of the first and second databases is needed, and

if a synchronization is needed, transmitting, by the application, a command to the mobile first data processing system that informs the mobile first data processing system that a new synchronization is requested, said command providing the mobile first data processing system with information about synchronization parameters for use in synchronizing content of the first and second databases;

The Mwaura reference, however, discloses receiving a message by an application and concluding if synchronization is needed by checking if the message is relevant, if it is relevant then taking a synchronization action (Mwaura: Abstract, lines 1-29; Column 6, lines 20-38).

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to modify the teachings of Kruglikov and Guthery with the teachings of Mwaura to conclude if synchronization is needed, transmitting a command to take the designated synchronization action upon the message for synchronizing content of the first and second databases for providing a means to synchronize data between different databases (Mwaura: Column 1, lines 7-9).

With respect to claim 2, Kruglikov in view of Guthery and in further view of Mwaura discloses the method according to claim 10, wherein the information includes

an identifier of the second database to be synchronized (Kruglikov: Abstract, lines 1-15; Column 2, lines 22-43; Column 4, lines 14-24; Column 5, lines 2-13; Fig 1).

With respect to claim 3, Kruglikov in view of Guthery and in further view of Mwaura discloses the method according to claim 10, wherein the information includes a synchronization protocol to be used between the first and second data processing systems (Kruglikov: Column 6, lines 33-36; Guthery: Column 8, lines 15-20).

With respect to claim 4, Kruglikov in view of Guthery and in further view of Mwaura discloses the method according to claim 10, wherein the information includes an identifier of the first database (Kruglikov: Column 2, lines 58-67; Column 3, lines 1-11; Mwaura: Abstract, lines 1-29; Column 6, lines 20-38).

With respect to claim 6, Kruglikov in view of Guthery and in further view of Mwaura discloses the method according to claim 10, wherein the application is informed of a synchronization result between the first and second databases (Kruglikov: Abstract, lines 1-15; Column 2, lines 22-43; Column 4, lines 14-24; Figure 1; Guthery' 64: Abstract, lines 1-7; Column 2, lines 1-14 and 51-57; Column 4, lines 25-29; Column 7, lines 33-35; Mwaura: Abstract, lines 1-29; Column 6, lines 20-38).

With respect to claim 7, Kruglikov in view of Guthery and in further view of Mwaura discloses the method according to claim 10, wherein the application is informed

of a synchronization result if the synchronization result was requested in the command (Kruglikov: Abstract, lines 1-15; Column 2, lines 22-43; Column 4, lines 14-24; Figure 1; Mwaura: Abstract, lines 1-29; Column 6, lines 20-38).

With respect to claim 11, Kruglikov in view of Guthery and in further view of Mwaura discloses the method according to claim 10, wherein the mobile first data processing equipment executes a program operable to receive all of the synchronization parameters and to start the synchronization process (Kruglikov: Abstract, lines 1-15; Column 2, lines 22-43; Column 4, lines 14-24; Figure 1; Guthery: Abstract, lines 1-7; Column 2, lines 1-14 and 51-57; Column 4, lines 25-29; Column 7, lines 33-35; Mwaura: Abstract, lines 1-29; Column 6, lines 20-38).

With respect to claim 12, Kruglikov discloses a computer-implemented method for synchronizing, through a network, a first database that is stored in a mobile first data processing system or in a security token coupled for communication with the mobile first data processing system, and a second database stored in a second data processing system (Kruglikov: Abstract, lines 1-15; Column 2, lines 22-43; Figure 1), the method comprising:

an application in the mobile first data processing system, the application being operable to request that the mobile first data processing system start a synchronization process of the first database with the second database according to a synchronization policy (Kruglikov: Abstract, lines 1-15; Column 2, lines 22-43; Column 4, lines 14-24;

Column 5, lines 2-13; Figure 1);

executing the application (Kruglikov: Abstract, lines 1-15; Column 2, lines 22-43;  
Column 5, lines 2-13; Figure 1).

initiating, by the mobile first data processing system, the synchronization process  
of the first and second databases in response to receiving the command (Kruglikov:  
Abstract, lines 1-15; Column 2, lines 22-43; Column 5, lines 2-13; Figure 1).

However, Kruglikov does not explicitly disclose:

a security token coupled to the mobile first data processing device, loading the  
application in the security token;

The Guthery reference, however, discloses claimed a security token is coupled  
for communication with the mobile first data processing system and an application is  
loaded into the security token (Guthery: Abstract, lines 1-7; Column 2, lines 1-14 and  
51-57; Column 4, lines 25-29; Column 7, lines 33-35).

Therefore, it would have been obvious to a person of ordinary skill in the art, at  
the time the invention was made, to modify the teachings of Kruglikov with the teachings  
of Guthery to have a data processing system include a security token controlled by an  
operator and load an application into the security token to move the administration of  
simultaneous communication with multiple applications on a smart card onto the smart  
card itself (Guthery: Column 3, lines 19-22).

Kruglikov and Guthery do not explicitly disclose:

receiving, by the application, messages or events that occur in the mobile first  
data processing system or in the network;

in response to the messages or events received and in accordance with the synchronization policy, concluding by the application, whether a synchronization of the first and second databases is needed, and

if a synchronization is needed, transmitting, by the application, a command to the mobile first data processing system that informs the mobile first data processing system that a new synchronization is requested, said command providing the mobile first data processing system with information about synchronization parameters for use in synchronizing content of the first and second databases;

The Mwaura reference, however, discloses receiving a message by an application and concluding if synchronization is needed by checking if the message is relevant, if it is relevant then taking a synchronization action (Mwaura: Abstract, lines 1-29; Column 6, lines 20-38).

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to modify the teachings of Kruglikov and Guthery with the teachings of Mwaura to conclude if synchronization is needed, transmitting a command to take the designated synchronization action upon the message for synchronizing content of the first and second databases for providing a means to synchronize data between different databases (Mwaura: Column 1, lines 7-9).

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kruglikov in view of Guthery ('64) in further view of Mwaura as applied to claims 10, 2-4, 6, and 7 above, and further in view of Guthery (US Patent 6,676,022), hereinafter referred to as

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Guthery ('22).

With respect to claim 8, Kruglikov in view of Guthery ('64) in further view of Mwaura discloses the method according to claim 10,

However, Kruglikov, Guthery and Mwaura do not explicitly disclose the command is a card application toolkit command.

The Guthery ('22) reference discloses a card application toolkit providing mechanisms that allow applications existing in the smart card to interact and operate (US (Guthery '22: Column 4, lines 41-64)).

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to modify the teachings of Kruglikov, Guthery ('64), and Mwaura with the teachings of Guthery ('22) for a command being a card application toolkit command for processing commands in a smart card (Guthery '22: Column 2, lines 62-63).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

**Remarks**

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "synchronize two databases that are not both accessible to or controlled by the user" and "an application that is under a separate entity's control to synchronize a first database that is owned by or accessible to the user with a second database that is not owned by, accessible to, or controlled by the user") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to REZWANUL MAHMOOD whose telephone number is (571)272-5625. The examiner can normally be reached on M - F 10 A.M. - 5 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571)272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. M./  
Examiner, Art Unit 2164

August 11, 2009

/Charles Rones/  
Supervisory Patent Examiner, Art Unit 2164